



City of San Diego

**CARL DEMAIO**  
CITY COUNCILMEMBER –DISTRICT 5

**DONNA FRYE**  
CITY COUNCILMEMBER –DISTRICT 6

## MEMORANDUM

DATE: March 12, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Carl DeMaio *Carl DeMaio*  
Councilmember Donna Frye *Donna Frye*

RE: Reforms to Appointments Process to City Ethics Commission

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We support a strong and independent city Ethics Commission as one way to provide the public with a credible mechanism to hold individuals participating in city government accountable for following the rules governing campaign finances and ethical conduct.

We note three vacancies on the Commission currently. To maximize public confidence in the Commission, we believe that Commissioners should be selected using a credible and objective process that reduces the role of the elected officials and increases public participation.

After working with the City Attorney's office to obtain the attached opinion, we would like to offer the following revised appointment process for the Ethics Commission.

### **Step 1: Application Process and Public Comment Period**

Every two years to coincide with any expiring terms of Commissioners, or at the request of the Mayor in the case of any vacancy, the City Clerk would issue a public notice requesting applications from the public and community organizations for individuals to serve on the Ethics Commission.

The process would be modeled after the process used to advertise the City's Redistricting Commission. After a 30-day recruitment period, applications received would then be made

public for an additional 15 days – allowing members of the public to comment on individuals applying for consideration.

### **Step 2: Review Panel of Retired Judges**

The City Attorney would select three retired judges to serve on a panel to review applications for the Ethics Commission. The judges would use the current requirements articulated in the Municipal Code to review applicants for qualifications and evidence of their ability to carry out their duties as Ethics Commissioners in an objective and non-partisan manner. The judges shall also consider any comments submitted by the public during the comment period.

The Review Panel would forward a list of recommended Commissioners to the Mayor for consideration – provided that no more than two candidates for each vacancy are provided.

*(Note: We would request that the requirements in the Municipal Code be amended to prohibit consideration of any individual who has worked for a political campaign in a paid capacity in the previous 5 years.)*

### **Step 3: Nomination or Rejection By Mayor**

Consistent with the Charter, the Mayor has the power to actually nominate Commissioners. Under this process, the Mayor would either accept or reject the individuals recommended by the Review Panel. If the Mayor rejects the individuals, he can request that the application process re-commence.

### **Step 4: Confirmation by the City Council**

Consistent with the Charter, only the City Council can actually confirm Commissioners. Should the Mayor nominate Commissioners recommended by the Review Panel, the City Council would commence a confirmation hearing.

This reformed appointment process could be implemented through the adoption of either an ordinance or a City Council Policy.

We request that our proposed reforms to the appointments process be docketed at the Rules Committee so that the public can have an opportunity to comment on and participate in this decision.

Attachment: City Attorney Memo Dated February 12, 2010 “Process for Appointments to the Ethics Commission”

| CC: City Attorney  
San Diego City Ethics Commission